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SUMMARY RECORD OF THE 252nd MEETING

Held at the Palais des Nations, Geneva,
on Friday, 10 November 1995, at 3 p.m.

Chairperson: Mr. HAMMARBERG

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The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Portugal (CRC/C/3/Add.30; CRC/C.10/WP.4) (continued)

1. At the invitation of the Chairperson, Mr. Abreu de Lemos, Mr. de Santa Clara Gomes, Mrs. Gersão, Mrs. Clemente and Mrs. Baptista Lopez (Portugal) took places at the Committee table.

2. The CHAIRPERSON invited the Portuguese delegation to provide additional information on the questions the Committee had asked in connection with the section of the list of issues (CRC/C.10/WP.4) entitled "Civil rights and freedoms", which read:

"Civil rights and freedoms

(Arts. 7, 8, 13-17 and 37 (a) of the Convention)

11. What concrete steps have been taken or are planned to protect children, in particular those who are victims of abuse, from harmful exposure in the media?

12. Does national legislation adequately provide, in practice, for the protection of the child from information and material injurious to his or her well-being, in conformity with article 17 (e) of the Convention?"

3. Mr. ABREU de LEMOS (Portugal), replying to a question about measures taken to prevent ill-treatment of children in the school, said that the Constitution strictly prohibited ill-treatment, torture or inhuman treatment and the Framework Act on the Education System outlawed any type of violence against children. Any person who had inflicted ill-treatment on a child would be subjected to both disciplinary and judicial procedures. However, no systematic effort had yet been made to uncover cases of ill-treatment outside the school, though school psychologists, teachers and social workers were beginning to cooperate in that area.

4. The CHAIRPERSON pointed out that violence among pupils had to be guarded against with the same vigilance as the ill-treatment of children by teachers.

5. Mr. de SANTA CLARA GOMES (Portugal) noted that, under Portuguese legislation, corporal punishment and any form of psychological ill-treatment were prohibited.

6. Mrs. GERSÃO (Portugal) said that Portugal was participating, within the Council of Europe, in the preparation of a document covering many aspects of the protection of the child, including protection against exposure in the media. In that endeavour, a difficult balance between freedom of information and the rights of the child was being sought.

7. Mrs. KARP said that many countries faced the same dilemma of how to strike a balance between media freedom and protection of the child and some adopted the solution of prohibiting the identification of a child as the victim or offender in a court case. She asked whether the Portuguese Government had considered adopting such a prohibition. In connection with the right of a child to give evidence in court, she would also like to know whether there were special investigators trained in taking evidence from children and court procedures under which such evidence could be given in closed session, so that the child did not have to confront an alleged offender. She considered it encouraging that Portugal had established teams to deal with sexual abuse or family violence, but wondered whether there were sufficient human and budgetary resources to maintain such a network of professionals.

8. Mrs. GERSÃO (Portugal) said that the law did not expressly prohibit identifying children who were victims of abuse, but there was a legislative provision whereby details of the private lives of individuals could not be publicized without their consent.

9. Mrs. CLEMENTE (Portugal) said that proceedings in juvenile court, family court and special mixed courts were held in private when children were accused of wrongdoing or were the alleged victims of abuse. The identity of both the child and the parents had to remain confidential for the duration of such proceedings; any infringement of that provision constituted contempt of court. In cases involving the rights of minors, the courts could call upon the services of multidisciplinary teams composed of social workers, psychologists and pediatricians. When it was compulsory for a child to give evidence, an initial private hearing with a judge took place; however, if the child's evidence would not affect the outcome of the legal proceedings, the initial hearing was conducted either by a psychologist or, in some cases, a social worker or a pediatrician. A child who considered that parental responsibility was being badly exercised or believed himself to be the subject of ill-treatment in a school or institution had every right to file a complaint with a court.

10. The CHAIRPERSON, summing up the discussion, said that, in Portugal, as in many other countries, the civil rights of children in respect of information technology and the media were protected primarily through self-discipline in the media themselves. That raised the question of accountability for the implementation of the Convention, however, and the Committee hoped that the Portuguese delegation would inform individuals responsible for decision-making in the media of its belief that self-discipline must be exercised scrupulously to ensure that no child was harmed by access to certain types of information.

11. He invited the Portuguese delegation to provide further information on question 14 in the section of the list of issues entitled "Family environment and alternative care", which read:

> "14. Please provide further information on the procedures for monitoring the situation of children in institutions and other alternative care arrangements such as foster placement."

12. Mrs. SARDENBERG asked for clarification on paragraphs 32 to 34 of the report, which described the conditions under which a child might be institutionalized. Was the trend towards institutionalization or de-institutionalization? The abandonment of children seemed to be a common problem and she wondered whether any research into the causes of the phenomenon had been conducted and whether reliable data was available on its prevalence.

13. Mrs. KARP asked what mechanisms were used to determine whether the continued confinement of a child to a mental institution was justified or whether other treatment options should be looked into.

14. The CHAIRPERSON suggested that the overall system for the inspection and review of conditions in all institutions for children and of training of staff for such institutions should be further described.

15. Mrs. CLEMENTE (Portugal) said that the institutionalization of a child was always a measure of last resort. All institutions, either public or private, to which a child might be assigned were entirely open to inspection. Control over conditions in such institutions was exercised both externally and internally. External control measures included the ability of any judge who had institutionalized a child to visit the institution and interview the child at any time. All institutionalization orders were reviewed biennially.

16. Internal controls were exercised by the institutions themselves through their multidisciplinary teams. Members of such teams had attended higher educational institutions and had received specialized training for dealing with signs of child abuse. Each child had a treatment plan, regularly evaluated by the multidisciplinary team and devised in cooperation with the child. The plan called for close involvement of the family in treatment, a measure which provided an additional form of control. Monitoring of the way the institutions operated and of the quality of services they provided was carried out under the auspices of the Institute for Social Reintegration, a department of the Ministry of Justice. There was thus an extensive system for verifying that the extremely serious measure of institutionalizing a child was properly applied and well understood by the child.

17. Mrs. BRAS GOMES (Portugal) confirmed that, from the standpoint of the social security administration, institutionalization was the last resort; foster care was the preferred solution. A mixed team of psychologist, social worker, educator and nurse provided assistance to a child in selecting a foster family, but paid particular attention to maintaining contacts with the biological family. An assessment was made as often as possible of the child's progress in the foster family with a view to determining whether such placement should continue. In some cases, foster placement went on for such an extended period that a decision on adoption or assignment to a foster home had to be made.

18. Much progress had been made in recent years in opening up foster homes to the community, partly through the newly authorized involvement in the social services sector of private, non-profit institutions. Such facilities were

overseen by the social security administration, but, recently, an additional effort had been made to provide the staff itself with the necessary tools for evaluating and monitoring the work of the facilities.

19. Mrs. BADRAN asked what qualifications had to be offered by individuals who worked in preschool or day-care facilities. The report mentioned that the great demand for such services was being at least partially met by a network of "child minders" and she asked whether there was any intention of incorporating that network officially into the school system, especially since the cost of such services must be significantly lower than that of day-care centres. Were women who served as "child minders" given any training or equipment, such as toys, to help them perform their tasks?

20. Mrs. BRAS GOMES (Portugal) said that most child minders worked in close collaboration with others, in groups of 10 to 12. They operated under the auspices of a preschool or day-care facility, which evaluated their activities and provided them with toys and other forms of assistance, premises for discussion among themselves and opportunities to take the children on group outings. Child minders were covered by social security. There was a danger that, as the activity was not well paid, it could be used as an indirect form of exploitation of women's labour and perpetuate unfair working conditions. The Government was alert to that danger, however.

21. Mr. ABREU de LEMOS (Portugal) said that, since public funds covered about 30 per cent of budgetary requirements for preschool institutions, additional efforts had to be made to ensure their survival. One of the primary objectives of the new Government was to ensure that preschool facilities were available in nearly 100 per cent of the country by 1999. The achievement of that objective required the involvement of society as a whole and of governmental and non-governmental organizations. The action of local authorities would be especially important in terms of providing facilities and impetus. The Ministry of Education, for its part, was committed to finding room in its budget for the salaries of workers in preschool institutions.

22. Mrs. EUFEMIO asked whether children placed in foster care were allowed frequent contacts with their biological families and, if it was decided that a child could not return to his or her biological parents, whether the foster family had the opportunity and the right to adopt that child.

23. Mrs. GERSÃO (Portugal) said that all research done on child abuse covered abandoned children as well. The phenomenon of street children, especially in Lisbon, was now a subject of special study, including by a non-governmental organization that was developing projects to assist such children. She could make the results of its research available if members of the Committee so wished.

24. Mrs. BRAS GOMES (Portugal) said that there was nothing in the legislation to prevent a foster family from becoming an adoptive family; there were simply two different administrative procedures that had to be carried out. One of the major responsibilities of the professional team assigned to help a foster child was to promote regular contacts with the biological family.

25. Mrs. CLEMENTE (Portugal) said that, if a foster family wished to adopt its foster child, it had merely to make that intention known and the adoption procedures described earlier in the discussion would be carried out. The only difficulty might be the age of the foster family, for persons aged over 50 were not entitled to adopt children.

26. The CHAIRPERSON said that, although the Convention did not indicate whether children's institutions should be administered privately or publicly, it did make it clear that responsibility for upholding the rights of the child could never be privatized and that it lay with the Government.

27. Mrs. SARDENBERG said that the Committee would certainly wish to recommend that personnel working in private institutions should be made conversant with the principles embodied in the Convention. Now that Portugal had signed the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, she would like to know when it intended to ratify that instrument. She understood that there were discrepancies in the inheritance rights of adopted and biological children and would like to have clarification on that point.

28 Mrs. KARP asked whether, upon reaching a certain age, an adopted child had the right to learn the identity of his biological parents. She had noted that a child had the right to express his views in adoption proceedings as from 14 years of age, but that, for foster placement, the age of consent was 12. Could the delegation explain the discrepancy?

29. Mrs. CLEMENTE (Portugal) said that Portuguese adoption law was contemporaneous with the Hague Convention, both instruments dating from May 1993. The Hague Convention had been taken fully into account in the drafting of Portuguese legislation on adoption, which expressly referred to that Convention in its preamble. It was to be hoped that Portugal would be in a position to ratify the Hague Convention very soon.

30. There was no distinction between adopted and biological children as far as inheritance rights were concerned.

31. The identity of a potential adoptive parent could not be revealed to a biological parent without the express permission of the adoptive parent. Conversely, the identity of a biological parent was always made known to the adoptive parent unless the biological parent stipulated otherwise. There was, indeed, a gap between the ages of consent to adoption (14 years) and foster placement (12 years). The reason was that the relevant legislative acts had been adopted at different periods, the law on foster placement being more recent and reflecting an intention to lower the age of consent that had yet to be put into effect in respect of adoption.

32. In reply to questions by Mrs. Eufemio and Mrs. Karp, she said that it was for the biological parents to decide whether or not to reveal their identity to the adoptive parents and that, in adoption proceedings, the views of the biological children of potential adoptive parents were taken into account if those children were aged 14 or above. During the pre-adoption process, it was quite common for younger children to be allowed to express their views as well.

33. The CHAIRPERSON invited the Committee to take up the section of the list of issues entitled "Basic health and welfare", which read:

"Basic health and welfare

(Arts. 6, para. 2, 23, 24, 26 and 18, para. 3, 27, paras. 1-3, of the Convention)

17. Please provide further information on the situation of disabled children, including access to education, training, health care services, preparation for employment and recreation opportunities. Please also indicate any studies the Government has taken or envisages undertaking in order to become more informed about the general situation of disabled children in Portugal. Paragraph 130 of the report mentions that the establishment of district coordination units are under study. What progress has been made in this area?

18. Please provide further information on the measures taken to reduce the high number of accidents involving children.

19. Paragraph 126 of the report indicates that disparities exist between different regions of Portugal with respect to living conditions, especially as regards nutrition and hygiene/health standards. Has the Government developed additional specified targets and strategies to address this situation?

20. What measures is the Government taking to reduce the incidence of teenage pregnancies? Are the policies of the Department of Health directed towards tackling the high level of teenage pregnancies, and the policies of the Department for Education directed towards sex education fully coordinated on this issue?

21. In view of the information contained in paragraph 146 of the report, please provide further details on the results of any research undertaken into the effectiveness of the poverty-eradication programmes made possible through support from the European Social Fund.

22. Is the Government considering the possibility of raising social security allowances relating to children, which the Government itself has acknowledged as being 'below the cost of maintaining a child' and 'manifestly not commensurate with the cost of living' (paras. 142 and 246 of the report)? How are families made aware of the benefits available to them? How straightforward are the application procedures to receive these benefits and is assistance and guidance offered to ensure that they are 'application friendly'?"

34. Mrs. BADRAN said that a 10 to 12 per cent disability rate among children was extremely high; the report acknowledged that insufficient information was available on the situation of such children in Portugal. Statistical research must be conducted to establish the relationship between the provision of health services and the presence of disabilities; it might also reveal a link between the occurrence of disabilities and the minority community, which

related to article 2 of the Convention. The report also did not include information on measures taken on behalf of disabled children: were they institutionalized? were they treated in the community on an out-patient basis? What measures were in place for the early detection of disabilities?

35. Mr. GOMES PEDRO (Portugal) said that he regretted the absence of statistical information on disabled children. Admittedly the problem, which was both widespread and complex, deserved thorough investigation. Portugal's approach to prevention and intervention was twofold. First, it had created the district-level functional coordination units already mentioned; secondly, it would soon transfer the responsibility which currently lay with developmental units in hospital and ambulatory services to district developmental centres. Those centres would inter alia, provide post-graduate training for doctors, nurses and other primary-care professionals, with special emphasis on developmental screenings for children of a very young age. A study had been conducted, about five years' earlier, to monitor the cases of all babies born at risk in Portuguese maternity centres; its purpose was to establish the relationship between early identification and the development of handicaps.

36. In reply to a question by Mrs. Eufemio, he said that accidents were the foremost cause of death among Portuguese children and accounted for a large share of the health budget. The Government was applying a multi-disciplinary approach to the teaching of a culture of safety and conducting research for that purpose. It had established 187 community posts nationwide, to be filled by paediatricians who were specialized in intervention and community services and who would work hand in hand with district health coordinators. Furthermore, a national accident prevention and infant safety programme, which was designed to promote the idea of "safe communities", was in the planning stages. In addition, a child-safety law that had recently been enacted should prevent some traffic-accident injuries.

37. In reply to a question by Mrs. Karp, he said that employers were required by law to provide accident insurance for their workers.

38. Mrs. KARP said that motherhood, per se in very young girls, constituted a danger to their futures. Did Portuguese anti-abortion legislation take the age of a pregnant girl into consideration?

39. Mrs. GERSÃO (Portugal) said that abortion was permissible by law in cases where the pregnancy resulted from rape or in those which involved a danger to the health of the mother or the child. The Penal Code allowed for the sentence to be flexible, depending on the circumstances of the woman who had had an abortion; the situation of a very young girl would therefore, of course, also be assessed when such a determination was made. The question whether unusual vulnerability should be weighed in an abortion decision was in fact currently under discussion in Portugal.

40. The CHAIRPERSON said that Portugal should describe what measures it was taking to protect children from victimization associated with the poverty of their guardians.

41. Mrs. BRAS GOMES (Portugal) said that Portugal's anti-poverty projects had helped to improve the lives of large numbers of people. Almost all such projects targeted children and young people and emphasized poverty prevention. Furthermore, their thrust was multidisciplinary: social security workers cooperated with educators, health personnel, local administrators and NGOs in seeking solutions to the problems of children not attending school, as well as those living in unacceptable conditions. In her view, greater efforts should be made, however, to integrate the many lessons learned in those projects into national policy.

42. The CHAIRPERSON invited the Committee to take up the section of the list of issues entitled "Education, leisure and cultural activities", which read:

"Education, leisure and cultural activities

(Arts. 28, 29 and 31 of the Convention)

23. Please provide the statistical and other information disaggregated by rural urban areas on the level of preschool and school enrolment. What is being done to increase the number of children attending preschool education and to encourage parents to involve their children in such education? What is being done to facilitate school attendance in remote areas?

24. What further measures are being taken to improve the quality of education and teaching and to ensure the adequacy of educational facilities?"

43. Mrs. SARDENBERG asked whether there was a high commissioner for poverty in both the southern and the northern parts of Portugal. What was his mandate? As a consequence of rapid urbanization and the likewise rapid entry of women into the workplace, moreover, many children were left unattended at home: what measures, if any, were aimed at assisting those children?

44. The CHAIRPERSON said that it would be useful to know whether Portugal had undertaken to define the term "child poverty". That term should be seen as embracing the quality and quantity of time that parents accorded to their children.

45. Mrs. BRAS GOMES (Portugal) said that the problem of children left at home by working parents was an urban phenomenon affecting both rich and poor. The children deemed to be at greatest risk were those between the ages of 12 and 16, who were neither young enough to be taken care of nor old enough to be on their own. The concept of leisure care - previously seen as after-school care, had been reformulated to cater for the needs of older children. The Government was reorganizing leisure-care centres to make them more appealing to older children and inviting children to take part in their design.

46. Portugal had not, in fact, discussed the question of "child poverty" as such. Its conceptual approach to the problem was instead that of "children at risk". The Government had determined that a family should not be entitled to a minimum income simply by virtue of its poverty, but had to acquire that right by taking a step towards social integration.

47. Mrs. SARDENBERG welcomed the initiatives described by Portugal, which were, in her view, much in keeping with the spirit of the Convention.

The meeting was suspended at 4.30 p.m. and resumed at 4.40 p.m.

48. The CHAIRPERSON invited the Committee to take up the section of the list of issues entitled "Special protection measures", which read:

"Special protection measures

(Arts. 22, 30, 32-40 of the Convention)

25. Please provide further information on the ways in which access to the asylum-seeking process is provided to children in practice. Do the status determination procedures vis-à-vis asylum-seeking children make use of any special mechanisms to cater for the psycho-social needs of the child?

26. What measures have been taken to avoid asylum-seeking children being kept in custody while they await deportation? In this connection, what rules, regulations or guidelines exist to ensure that detention is used only as a measure of last resort and for the shortest period of time, as provided for in article 37 (b) of the Convention? What mechanisms exist to monitor such detention, if it exists? What alternative solutions have been developed to avoid the use of detention in such circumstances?

27. Please provide additional information on the number of children deprived of their liberty, reasons for such deprivation and the length of detention. In addition, please provide further details of the measures taken to ensure in practice that children deprived of their liberty are separated from adults?

28. Please provide further information on the treatment of young law offenders and, in particular, on the following questions:

- What types of institutions exist for the custody of young law offenders and what specific official rules are there for their treatment?

- How are the conditions in such institutions monitored?

- Are there complaint procedures in cases of ill-treatment?

29. What further measures, if any, are envisaged to ensure more widespread recourse to non-custodial measures of guidance and supervision to children in conflict with the law, as detailed in paragraphs 196 and 197?

30. In light of the information contained in paragraph 185 and 190, is the Government considering adopting additional legislative and other measures to ensure the implementation of the provisions of article 40, paragraph 2 (b), of the Convention?

31. Is the Government considering the possibility of providing for different legislative acts and supervisory measures which should apply to children within the system of the administration of juvenile justice and children requiring protection and assistance due to ill-treatment, abandonment, etc...? (para. 182)

32. With respect to the implementation of article 32 of the Convention, please provide further information on the number of inspection visits made, of non-observance of regulations reported and of sanctions imposed.

33. In light of the information contained in paragraph 219 of the report, please indicate the Government's plans with regard to the ratification of ILO Convention No. 138.

34. What strategies is the Government adopting in response to the problem of children living and/or working on the street? To what extent does the Government cooperate with non-governmental organizations in their programmes to prevent, protect and reduce the number of children living or working on the street? Are there any studies being undertaken to clarify the real causes and most effective solutions to combat the spreading of this phenomenon? (paras. 123 and 236 of the report)

35. What measures have been taken to support the integration of immigrant children into Portuguese society? What is being done to improve their current living conditions, as well as preserving their linguistic or cultural origins? Paragraph 239 of the report mentions the Decree-Law No. 212/92 passed to help regularize the situation of clandestine immigrants. Please provide details of the content of this decree, including as regards access to social services and education for children of such immigrants."

49. Mrs. GERSÃO (Portugal), referring to issue No. 25, said that very few children were in fact seeking asylum in Portugal. There had been only 10 applications by unaccompanied children aged between 15 and 18 years in the first six months of the year, chiefly from Angola and Romania. Under Portuguese law, such children were entitled to apply for asylum in their own right, and were thus eligible for assistance from the Portuguese Council for Refugees. They were deemed to constitute a vulnerable group and, as such, were entitled to be provided with food and housing by the social services, on the same basis as Portuguese children in a similar situation. If a child asylum-seeker was in danger, the juvenile court could intervene.

50. The specific question on airport procedures was perhaps more difficult to answer. In a case that had occurred the previous year and which had been given wide publicity, a young mother with a child had arrived at an airport to join her husband in Portugal. Since she had had no papers, the airport authorities had attempted to deport her. Following a public outcry and a visit to the airport by the Portuguese First Lady herself, a lawyer had successfully applied for habeas corpus for both mother and child.

51. The CHAIRPERSON suggested that it might be appropriate for the Government to seek to regulate that problem in a more systematic way, in order to avoid

the need for such extraordinary measures if a similar case should arise in future. He asked whether unaccompanied minors arriving at airports would be subject to detention.

52. Mrs. GERSÃO (Portugal) said that unaccompanied children seeking asylum did not in fact come to Portugal by air, but by boat or overland. Once in the country, they were given psychological and social assistance. Although by law reception centres for asylum-seekers ought to be provided, in fact no such centres existed and thus neither adults nor children were subject to detention. If a child was found abandoned, it would be regarded as a child in danger and entitled to protection.

53. Mrs. SARDENBERG said she understood that Portugal had a two-track system for processing applications for asylum. Under the normal procedure, the applicant would be granted a temporary residence permit, but, under the accelerated procedure, no assistance would be given by the Government. Her information was that, since 1993, all applications had been channelled through the accelerated procedure. Could the Portuguese delegation comment on that point?

54. Mrs. GERSÃO (Portugal) said the law on asylum-seekers had been changed in 1994. The previous regime had been far more generous, granting asylum not only on grounds of persecution for political or religious views, but also on humanitarian grounds. The change had been strongly criticized, not only by the public, but also by the opposition party in Parliament. In practice, asylum was now granted only very rarely: thus, in the first six months of 1995, only seven applications had been approved.

55. Mrs. SARDENBERG asked whether, under the new regime any special training was given to immigration officials on the need to respect the rights of refugee children.

56. Mrs. GERSÃO (Portugal) said that she had no information relating specifically to children in that regard.

57. The CHAIRPERSON pointed out that it was the Committee's view that States parties should always keep border police and other officials informed on how the special needs of children should be met.

58. Mrs. KARP asked whether, in view of the fact that the Convention defined the child as any human being below the age of 18 years, the Government was considering re-evaluating the distinction made in the juvenile justice system between children above and below 16 years of age. Paragraph 214 of the report indicated that, because youth care centres were not prepared to receive young offenders aged between 16 and 18 years, judges had to sentence them to imprisonment, although for reduced terms. There thus seemed to be a problem in finding alternatives to imprisonment. Even for children aged below 16 years, it seemed that juvenile courts existed only in the cities and that, in the rest of the country, children were brought before the regular courts. Were there plans to extend the network of juvenile courts?

59. She understood from paragraph 187 of the report that, because the focus in the juvenile courts was not on criminal responsibility or on securing a conviction, establishing the facts was considered less important and that, as a result, the child did not have the right to be represented by a lawyer. Could the Portuguese delegation elaborate on due process in juvenile courts, in view of the fact that such courts had powers to sentence children to detention in an institution, and that was an infringement of their freedom?

60. Mrs. BAPTISTA LOPES (Portugal) said that there was no possibility of the juvenile courts sentencing a child aged under 16 years to detention: for them, the regime was entirely one of protection. While it was true that there was no direct connection between the seriousness of the offence and the action taken by the court, that was because more emphasis was placed on the situation of the child in the context of its future development. Children were not accorded the same guarantees as adults where court procedure was concerned, but it was intended to reform legislation in that respect.

61. Although juvenile courts were concentrated in the major cities, in practice, any case involving a minor that came before an ordinary court would be referred to a juvenile court which had country-wide jurisdiction.

62. The possibility of raising the age of criminal responsibility to 18 was not currently being considered. The institutionalization of children who had been in conflict with the law was contemplated only as a last resort. It would be ordered not on the basis of the seriousness of the offence, but on the basis of whether or not the family was able to provide adequate care and education.

63. Mr. KOLOSOV said that he would appreciate information on the actual regime in institutions for juvenile offenders in Portugal, in view of the country's lack of resources. What kind of diet was provided, was there forced labour and were opportunities given for contact with families?

64. Mrs. CLEMENTE (Portugal) said that there were currently some 100 young offenders aged between 16 and 18 years in detention in Portugal. A special prison existed for young people aged between 16 and 21 years guilty of minor offences, which provided education and training, as well as support programmes for drug addicts. Young offenders guilty of serious crimes were sent to another prison near Lisbon. So far it had not been possible to separate young offenders from adult prisoners.

65. Sentences of pre-trial detention were usually served in prisons in the regions, where detainees would be nearer their families. Family visits were encouraged, since they were considered important for the mental and psychological wellbeing of prisoners.

66. Mrs. GERSÃO (Portugal) said that children aged below 16 years who had been in conflict with the law would be placed in training institutes or reception centres rather than in detention centres. There, care was taken to treat them as individuals and family visits, as well as home leave on weekends

and holidays, were encouraged. The cost to the Government of care in such centres was $2,000 per child per month. Any inhuman or degrading treatment of children in such circumstances was now prohibited and, should it occur, the persons responsible would be disciplined or prosecuted.

67. She stressed that sentencing by the juvenile courts did not imply abdication of responsibility on behalf of the parents. Accordingly, family visits were encouraged as a way of maintaining parents' involvement.

68. Mrs. SARDENBERG asked whether the budget allocated for juvenile justice was sufficient to provide an adequate infrastructure for dealing with children brought before the courts. Because of the lack of resources, were such children sent back to their families without anything being done to protect them from danger in future? When cases from rural areas were transferred from juvenile courts in the cities, were parents given help with travel expenses and where were children held while their case was being heard?

69. She was not clear why there was need for a separate regime for children aged between 16 and 18 years, since such children were usually petty offenders. Why should not the age of a child be defined on the basis of the Convention?

70. Mrs. GERSÃO (Portugal) said that travel expenses for family visits were met by the authorities. Young people in institutions were not compelled to work. The problem was, rather, the lack of sufficient work opportunities, since the prison population in Portugal was fairly high. Prisoners did, however, receive a small salary for work done. Prisons were under the overall supervision of the Ministry of Justice, although institutions for juvenile offenders were administered by a separate department.

71. In reply to the question whether the Government intended to introduce guarantees for minors brought before the courts and whether it was intended to differentiate between measures to be applied to minors in danger and measures to be applied to minors guilty of offences, she said that Portugal had now revised its legislation on those points to bring it into line with the Convention. A bill to that effect was currently before Parliament. The reply to issues 30 and 31 was therefore in the affirmative.

72. Mrs. SARDENBERG said she would welcome clarifications on the question whether street children in Portugal maintained ties with their families. It was known that, in some countries, they did maintain those ties.

73. Mrs. EUFEMIO said that the street children were being exploited for begging purposes. They lived in the street and were not abandoned by their parents. Mention had been made of Gypsies, who also used their children for begging, and she would like to know what was being done about that situation. In countries like the Philippines, people tended to give the beggar money because there was a child nearby and they felt pity for the child.

74. Mrs. GERSÃO (Portugal) said that street children constituted a fairly new problem, particularly in Lisbon. An institute with funds provided by the European Union was working to help those children. Money was also provided by

the State. Some street children cut all links with their family, whereas others maintained contact with their family and went home occasionally. Their family were usually displaced persons, immigrants or Portuguese citizens who had left the countryside for the city.

75. Efforts were made to win the children's trust, to persuade them to renew their ties with their parents and to return to school. The results were quite encouraging because the majority of children had re-established contact with their families and many had returned to school.

76. Most of the children were aged between 14 and 18 years and many begged in towns. The first study which her organization had carried out had related to children who were victims of neglect and abuse and had then been extended to cover children who begged in towns. Her organization had developed an interdisciplinary project to help those children.

77. Under Portuguese law, begging was not a crime. However, it was a crime to exploit children for the purpose of begging. Therefore, parents who sent their children out to beg might well be committing a crime. While the problem had not disappeared, it was not so visible in the urban areas as before. Gypsy children begged with their mothers and the usual response by the public was to give them a little money.

78. Mrs. SARDENBERG said it seemed that most children involved in child labour were concentrated by region, age group and activity. If that was so, she would like to know whether there was a comprehensive policy for that problem.

79. Mrs. EUFEMIO, referring to the question of child labour, asked whether the ILO was involved at all in Portugal and whether the Government intended to explore the possibility of eliminating or minimizing child labour.

80. Mrs. CLEMENTE (Portugal), replying to a question by Mrs. Karp, said that, in June 1995, the Government had submitted a proposal to Parliament for the approval of ILO Convention No. 138. The question was still on the agenda of Parliament. The procedure would be approval of ratification by the Assembly and then a presidential decree.

81. With regard to the question of how many inspections had been made and how many children had been covered, she said that in 1990, there had been 4,900 visits and, in 1994, about 5,600. The number of children who were in fact child labourers had decreased from 230 in 1990 to 201 in 1994. Her organization was probably moving in the right direction and was no longer looking only for the symptoms, but was also trying to find the causes.

82. Mr. de SANTA CLARA GOMES (Portugal) said that, unlike the problem of street children, the problem of child labour was more difficult to eradicate. Considerable progress had been made in combating not only the phenomenon itself, but also the causes.

83. As far as Macao was concerned, the Convention was not applicable as such. However, in the territory's present circumstances, it was considered that China ought to be consulted. Of course, the subject had been raised in the joint Portuguese/Chinese Commission and it was hoped that an agreement would soon be reached on extending the Convention to Macao. It was also hoped that the Convention would be applicable before Macao had been integrated into China.

84. Mrs. SARDENBERG, summarizing the Committee's tentative conclusions said the impression had been gained that Portugal was at a very important point in its history following the revolution, integration with the European Union and the establishment of a new Government.

85. Portugal was moving towards democracy and modernization, which would have a great impact on children. It was to be hoped that the situation would be reflected not only in the implementation of the Convention, but also in an improvement in the situation of children. She welcomed the many positive steps and decisions that had been stressed during the discussion. In that connection, she drew attention to the political will that Portugal had demonstrated in implementing the Convention. She referred to the 1 per cent increase in the educational budget for 1996, the extension of the preschool network, the increase in the duration of compulsory schooling, the decision to ratify the ILO Convention No. 138 and other decisions relating to child labour. The minimum wage programme would also have a major impact in many areas.

86. There was a need for the more dynamic implementation of article 4 in relation to international cooperation, but she welcomed the more active approach adopted in respect of cooperation with NGOs.

87. She recognized that it was important to provide information to refugee children about their rights in their own language. Consideration should also be given to the possibility of protecting the identity of children.

88. She hoped that the discussion had encouraged Portugal to reaffirm its political commitment and give priority to the social visibility that children in Portugal should have.

89. Mr. de SANTA CLARA GOMES (Portugal) thanked all members of the Committee for their patience and took note of the fact that they considered the information provided to be useful, frank and open. That reflected his country's attitude towards the Committee and the fact that its delegation had come to the Committee in order to establish a dialogue and exchange views.

90. During the discussion, many of the problems his country faced had been seen in a new light. His country had done a great deal, but it was aware of its shortcomings and of the fact that it still had a great deal to do. The Committee's recommendations would be studied and submitted to the Government. The Committee's suggestion for a national discussion of the problems of children was most welcome and it should be noted that a study was being prepared on that subject. The study would certainly take account of the Committee's concluding observations.

91. He looked forward to receiving the Committee's written concluding observations and recommendations and thanked the members for their contribution and the attention they had given his country's problems.

92. The CHAIRPERSON said that the members of the Committee had learned a great deal about the problems Portugal faced and the progress it had made in connection with the implementation of the unique international Convention on the Rights of the Child. They had appreciated the delegation's openness during the discussion and the efforts Portugal was making to find new solutions.

The meeting rose at 6.10 p.m.